vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.31 OF 2005
IN
CONTEMPT PETITION NO.483 OF 2002
IN
CIVIL APPLICATION NO.6774 OF 2000
IN
WRIT PETITION NO.2836 OF 2000

Trustees of the Oriental
Education Trust ... Applicant/
Petitioner

V/s.

The State of Maharashtra & Ors. ... Respondents

Mr.H.D. Buch for Petitioner
Mr.A.H. Palekar for Respondents

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **SEPTEMBER 16, 2005**

P.C.:

. This Civil Application has been filed for permitting the Applicant to withdraw the amount of Rs.11,18,591/- which has been deposited by the respondents in this Court. The Writ Petition is still pending. The Petitioner contends that by order dated 14.9.2001, the respondents were directed to release the grant in aid in respect of the four divisions from 1994-95 about which there was no dispute. The grant so released was subject to the decision in the petition on merits. It is because this grant was not released to

the Petitioner directly, that the Petitioner filed the contempt petition. The respondents were directed to deposit the entire amount in this Court. The amount has now been deposited. The Petitioner, therefore, seeks to withdraw the same.

2. It is contended in the affidavit filed by Vithoba Khandu Wankhede, Assistant Director of the Office of the Deputy Director of Education, Mumbai Region, Mumbai, Respondent No.2 to the Civil Application that the deposited amount is disputed and a lesser amount is payable. However, in my view, this issue can be raised at the final hearing of the writ petition, which is pending before this Court. The amount which the respondents have deposited is pursuant to the order directing them to deposit the grant in aid in respect of the four divisions about which there was no dispute. Therefore, in my view, the Petitioner would be entitled to withdraw this amount. Obviously, this withdrawal would be subject to the result of the writ petition, as already directed in the order dated 14.9.2001 in the writ petition.

3. Civil Application stands disposed off.

4. Contempt Petition to be tagged and heard

alongwith the Writ Petition.